

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EMMITT DEWAYNE ATKINS,

Plaintiff,

VS.

JOSEPH BRADFORD, *et al*,

Defendants.

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CIVIL ACTION NO. 2:12-CV-00331

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS CERTAIN CLAIMS AND RETAIN ACTION**

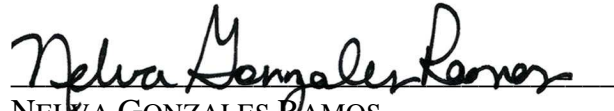
On November 9, 2012, United States Magistrate Judge Brian L. Owsley issued his “Memorandum and Recommendation to Dismiss Certain Claims and Retain Action” (D.E. 8). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 8), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court:

- (1) **DISMISSES** with prejudice Plaintiff's claims for money damages against Defendants in their official capacities;
- (2) **RETAINS** Plaintiff's failure to protect claims against Officer Bradford and Officer John Doe;
- (3) **RETAINS** Plaintiff's claims of deliberate indifference to his serious medical needs against Nurse Perales, Dr. Witt, and Physician's Assistant Hudson; and
- (4) **DISMISSES** for failure to state a claim Plaintiff's claims against Sergeant Ybarra, Lieutenant James, and Captain Gonzales, as well as Plaintiff's deliberate indifference claim against Officer Bradford.

ORDERED this 10th day of December, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE